

Application No. 09/937,078
Brief of Appeal dated February 5, 2007
Relating to Office Action of December 4, 2006



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/937,078

Confirmation No. : 8017

Applicant : Mark E. Hooper et al.

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Examiner : Peter C. Wilder

Docket No. : 04834-007-US-02

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

APPEAL BRIEF UNDER 37 CFR § 41.37

Madam, Sir:

This appeal brief is in furtherance of the Notice of Appeal that was filed in the above-captioned application on **January 18, 2007**.

Appellant files herewith an Appeal Brief (submitted in triplicate) under **37 CFR § 41.37** in connection with the aforementioned application, wherein claims **28 to 38** were finally rejected in the Office Action mailed December 4, 2006.

STATUS OF THE APPLICANT

Pursuant to 37 CFR § 1.27(a), this application is on behalf of other than a small entity.

FEE FOR FILING A BRIEF OF APPEAL

Pursuant to 37 CFR § 41.20(b)(2), the fee for filing the Brief of Appeal is: **\$ 500.00**

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TOTAL FEES DUE

The total fees due are:

Brief of Appeal Fee: **\$ 500.00**

FEE PAYMENT

The United States Patent and Trademark Office is hereby authorized to charge the amount of **\$US 500.00** to our Deposit Account no. **50-3436** for the payment of the prescribed fees. If any other fees whatsoever are due, the United States Patent and Trademark Office is also hereby authorized to charge any such additional fees to our Deposit Account no. **50-3436**.

I. Real Party in Interest (37 CFR § 41.37(c)(1)(i))

The real party in interest in the appeal is the assignee of the application, Pixnet Inc., which has received its right through an assignment from Pixel System Inc. which has received its right through assignments from the inventors Mark E. Hooper, François Cloutier and Claire Langlois.

II. Related Appeals and Interferences (37 CFR § 41.37(c)(1)(ii))

There are no other related appeals or interferences in process or pending before the U.S. Patent and Trademark Office.

III. Status of Claims (37 CFR § 41.37(c)(1)(iii))

The status of the claims set forth after the final Office Action mailed December 4, 2006, was and is as follows:

Withdrawn claims: **none**

Allowed claims : **none**

Rejected claims : **28-38**

Objected claims : **none**

Accordingly, the present appeal is directed to claims **28-38**.

IV. Status of Amendments (37 CFR § 41.37(c)(1)(iv))

Subsequent to the final Office Action of December 4, 2006, Appellant has not filed any amendments in response to the aforementioned Office Action.

V. Summary of Claims Subject Matter (37 CFR § 41.37(c)(1)(v))

For the sake of simplicity, references to the present application will be made using the paragraph numbering of the published application, namely publication no. U.S. 2003/0009762.

Claim 28

Independent claim 28 generally recites a method to display selected multimedia content via remote display systems according to playlists (Fig. 1 and paragraphs [0006] and [0057]). The playlists comprise multiple air time periods (paragraph [0031]) and are stored on display controllers (paragraph [0057]). All the display systems are connected to scheduling servers 200/300/400 (Fig. 1 and paragraphs [0114] and [0115]) and to a transmission control system 100 (Fig. 1 and paragraphs [0114] and [0115]) via a network 600/700 (Fig. 1 and paragraphs [0114] and [0115]).

The method of the present invention comprises the following steps:

- selecting the multimedia content to be displayed (paragraph [0102]);
- storing said multimedia content on said scheduling server (local storage 220/320/420 and paragraph [0103]);
- selecting one of said display screens on which said multimedia content is to be displayed (screens 260/360/460 and paragraph [0104]);
- storing such display screen selection on said scheduling server (local storage 220/320/420 and paragraph [0105]);
- on said scheduling server 200/300/400, determining and storing data related to the availability of said air time periods of said playlists (paragraph [0031]);
- on said scheduling server 200/300/400, inputting and storing data related to the multimedia content preferences of each user of a visual display system (paragraph [0119]);
- on said scheduling server 200/300/400, inputting and storing data related to the air time period preferences of each user in said playlist schedule of a visual display system (paragraph [0119]);
- creating said playlists by optimally correlating said available air time periods, said air time period preferences and said multimedia content preferences (paragraphs [0024], [0025] and [0120]);
- transmitting said stored multimedia content and said playlists to said display controllers connected to said selected display screen (paragraph [0048]);

- displaying said selected multimedia content on said selected display screen according to said playlists (paragraph [0057]).

Claim 29

Independent claim 29 generally describes a system to control the display of multimedia content on remote display sub-systems. Therefore, the system comprises a plurality of remote and out-of-home display systems (Fig. 1 and paragraphs [0006] and [0057]) which are all connected together via a broadband network 600 (Fig. 1 and paragraph [0115]). Each of the display systems comprises an electronic multimedia display screen 260/360/460 (Fig. 1 and paragraph [0116]) which is connected to a display controller which is a CPU (Fig. 1 and paragraph [0116]). Generally, the display screens are adapted to be seen by passers-by (paragraph [0116]).

According to the present system, each display system is adapted to cycle through a playlist of multimedia content (paragraphs [0023] and [0057]). Each playlist has a plurality of air time periods (paragraph [0031]) and each playlist is stored on a respective display system (paragraph [0057]).

The system of the present invention further comprises scheduling servers 200/300/400 (Fig. 1 and paragraphs [0113] and [0114]). The scheduling servers 200/300/400 are connected to the display systems via a transmission control system 100 and a network 600 (Fig. 1 and paragraphs [0114] and [0115]). Each of the scheduling servers 200/300/400 comprises computer processor means, in the form of a CPU 210/310/410 (Fig. 1 and paragraph [0113]), and data storage means, in the form of a local storage 220/320/420 (Fig. 1 and paragraph [0113]).

The system of the present invention further comprises first means for processing data, in the form of in the CPUs 210/310/410 (Fig. 1 and paragraph [0113]), for

determining the availability of the air time periods in the playlists of the display systems (paragraph [0031]).

The system of the present invention further comprises second means for processing data, in the form of in the workstations associated with the scheduling servers 200/300/400 (Fig. 1 and paragraph [0113]), for selecting and reserving air time periods in one or more of the playlists (paragraph [0119]).

The system of the present invention further comprises third means for processing data, in the form of in the workstations associated with the scheduling servers 200/300/400 (Fig. 1 and paragraph [0113]), for linking the selected multimedia content to the selected air time periods of the playlists (paragraph [0121]). The third means also comprises means for transmitting, in the form of network 700, transmission control system 100 and network 600 (Fig. 1 and paragraphs [0114] and [0115]), the playlists and the multimedia content to the display systems (paragraph [0048]).

The system of the present invention further comprises fourth means for inputting, in the form of workstations 230/235/330/335/430/435 (Fig. 1), and storing, in the form of local storage 120 (Fig. 1 and paragraph [0119]) the multimedia preferences of each user (paragraph [0119]).

The system of the present invention further comprises fifth means for inputting, in the form of workstations 230/235/330/335/430/435 (Fig. 1), and storing, in the form of local storage 120 (Fig. 1 and paragraph [0119]) the air time periods preferences of each user (paragraph [0119]).

Finally, the system of the present invention further comprises sixth means, in the form of CPUs 210/310/410, for determining the optimal playlist for each display system by optimally correlating the available air time periods, the multimedia and air time

periods preferences of each user (paragraphs [0024] and [0025] and also [0120] and [0121]).

Claims 30-38

Claim 30, depending on claim 29, further recites the visual display sub-systems (paragraph [0057]) of the present invention further comprise means, in the form a CPU (paragraph [0116]), that will request the transmission of multimedia content or a portion thereof if the multimedia content, or the portion thereof, is not stored on the storage means, in the form a of storage mechanism (paragraph [0116]), of a display sub-system (paragraph [0064])

Claim 31, depending on claim 29, further recites that the system of the present invention further comprises means, in the form of workstations 200/300/400 (paragraphs [0100] and [0118]) to input and store demographic data in relation to the geographical location of the display sub-systems.

Claim 32, depending on claim 29, further recites that the sixth means for processing data in the form of scheduling servers 200/300/400 and their associated CPUs 210/310/410 (paragraph [0113]) comprise two further means, generally embodied in the form of the CPUs 210/310/410 (paragraph [0113]), to first determine, for each display, the duration of any unreserved air time period and to then fill the unreserved air time periods, if any, with compatible content (paragraph [0033]).

Claim 33, depending on claim 29, further recites that the sixth means for processing data in the form of scheduling servers 200/300/400 and their associated CPUs 210/310/410 (paragraph [0113]) comprise two further means, generally embodied in the form of the CPUs 210/310/410 (paragraph [0113]), to first determine, for each display, the duration of any unreserved air time period and to then remove the unreserved air time periods, if any (paragraph [0032]).

Claim 34, depending on claim 31, further recites that the sixth means for processing data in the form of scheduling servers 200/300/400 and their associated CPUs 210/310/410 (paragraph [0113]) comprise two further means, generally embodied in the form of the CPUs 210/310/410 (paragraph [0113]), to first determine, for each display, the duration of any unreserved air time period and to then fill the unreserved air time periods, if any, with compatible content (paragraph [0033]).

Claim 35, depending on claim 31, further recites that the sixth means for processing data in the form of scheduling servers 200/300/400 and their associated CPUs 210/310/410 (paragraph [0113]) comprise two further means, generally embodied in the form of the CPUs 210/310/410 (paragraph [0113]), to first determine, for each display, the duration of any unreserved air time period and to then remove the unreserved air time periods, if any (paragraph [0032]).

Claim 36, depending on claim 29, further recites that the broadband network 600 is a satellite network (satellite dishes 500 and satellite 550) (Fig. 1 and paragraphs [0054] and [0059]).

Claim 37, depending on claim 29, further recites that the broadband network 600 is a bi-directional network (Fig. 1 and paragraph [0054]).

Claim 38, depending on claim 29, further recites that the means for transmitting the data, in the form of network 700 and network 600 (Fig. 1 and paragraphs [0114] and [0115]), comprises a transmission control system 10 connected to the scheduling servers 200/300/400 (via a network 700, Fig. 1 and paragraph [0114]) and to the visual display sub-systems (via a satellite network 500/550, Fig. 1 and paragraph [0054]).

VI. Grounds of Rejection to be Reviewed on Appeal (37 CFR § 41.37(c)(1)(vi))

- Claim 29 is rejected under 35 USC § 112, first paragraph, for failing to comply with the written description requirement.
- Claims 28, 29, 31, 32, 36 and 38 are rejected under 35 USC § 102(b) as being anticipated by the U.S. Patent No. 5,566,353, granted to Nack Y. Cho and Jerry E. Magilton Jr. (hereinafter “Cho”).
- Claim 30 is rejected under 35 USC § 103(a) as being obvious over Cho in view of the U.S. Patent No. 7,039,784, granted to Monsong Chen, Dah-Weih Duan, Aparna Pappu et Bodhi Mukherjee (hereinafter “Chen”).
- Claim 37 is rejected under 35 USC § 103(a) as being obvious over Cho in view of the U.S. Patent No. 6,738,978, granted to John S. Hendricks and Alfred E. Bonner (hereinafter “Hendricks”).
- Claims 32-35 are rejected under 35 USC § 103(a) as being obvious over Cho in view of the U.S. Patent No. 6,075,551, granted to David Michael Berezowski, John Garret Thompson and Richard E. Millar (hereinafter “Berezowski”).

VII. Arguments (37 CFR § 41.37(c)(1)(vii))

For the sake of simplicity, references to the present application will be made using the paragraph numbering of the published application, namely publication no. U.S. 2003/0009762.

The Examiner’s rejection of claim 29 under 35 USC § 112, first paragraph, is erroneous and should be reversed.

In the final Office Action, the Examiner stated that the support for the limitation “*second means for processing data to select and reserve one or more of said available*

air time periods in one or more of said playlists schedules to define said playlist schedules" could not be found in the originally filed claims or specification.

The Appellant respectfully disagrees with the Examiner. As a matter of fact, though not recited *verbatim*, the support can be found in paragraph [0031] and more particularly in paragraph [0096] of the application which recites: "*h) second means for processing data to select and reserve available presentation time period on each said visual display sub-system*".

From the above, only the portion reciting "*air time periods in one or more of said playlists schedules to define said playlist schedule*" differs from the originally recited limitation. Nevertheless, the skilled addressee will readily understand that "air time period" and "presentation time period" are synonymous expression. Indeed, in the context of the present invention, airing a clip or presenting a clip are totally equivalent concept.

The skilled addressee will then understand that you cannot actually "select and reserve air time directly on a display sub-system" since the sub-system does not actually have air time period *per se*. The latter is in fact a metaphoric way to recite that you "select and reserve air time in the playlist or playlists stored on and associated with the display sub-system or sub-systems" since it is the playlist that actually has the air time period. That the playlist data are stored at the display sub-system is disclosed at paragraph [0057].

Therefore, even though both limitations were not recited in the exact same way, it is respectfully believes that both limitations are fundamentally equivalent to each other. Accordingly, claim 29 and more particularly item c) are respectfully believed to be fully supported by the originally filed specification.

The Examiner's rejection of claims 28, 29, 31, 32, 36 and 38 under 35 USC § 102(b) as being anticipated by Cho is erroneous and should be reversed.

As preliminary notes, the Appellant understands that the field of multimedia display systems and methods is relatively crowded. As a matter of facts, numerous patents and technologies exist in this field as shown by the prior art.

Having a crowded technological field has the following consequence: new systems are mostly innovation over previous systems wherein one or more aspects have been improved, modified and/or changed. As a corollary, different systems may at first glance appear similar and therefore give rise to the erroneous belief that a new system is not.

Consequently, in the present case, the Appellant respectfully believes that its system, though sharing certain technological aspects with the system of Cho, still comprises fundamental and more importantly patentably distinguishing differences.

That being said, in his final Office Action, the Examiner has rejected claims 28, 29, 31, 32, 36 and 38 under 35 USC § 102(b) as being anticipated by the patent of Cho.

Section 102 of 35 USC reads as follows:

35 U.S.C. 102 Conditions for patentability; novelty and loss of right to patent.

A person shall be entitled to a patent unless —

[...]

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States, or

[...]

(emphasis added)

In order for a claim or claims to be anticipated under § 102(b), the claim or claims must be fully described in a single printed publication. In other words and as expressly recited in the MPEP, section 2131:

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. (emphasis added)

Accordingly, in order for Cho to anticipate claims 28, 29, 31, 32, 36 and 38 of the Appellant's application, all the limitations of claims 28, 29, 31, 32, 36 and 38 of the Appellant's application must be found, expressly or inherently, in Cho's patent.

Though there may exist some similarities between both Cho's patent and the Appellant's application, there exist fundamental differences, clearly recited in the claims, that make the Appellant's invention patentably different from Cho's patent.

First, in claim 28, item f) recites: “on said scheduling server, inputting and storing data related to the multimedia content preferences of each user of a visual display system” (emphasis added) and in claim 29, item e) recites: “fourth means for inputting and storing data related to the multimedia content preferences of each user of a visual display system” (emphasis added).

In his examination report, the Examiner cited the following passages of Cho's patent as providing anticipatory disclosure with respect to the limitations of item f) of claim 28 and item e) of claim 29.

Column 11, lines 36-40:

“The Clip Library Database has, for example, (1) a table of valid clip types which includes a clip description along with valid run times for

each of the valid clip types, and (2) a video clip table which includes the clip number, the clip title, the clip type, the clip run time and the clip frequency rate.

The Template Database has, for example, (1) a table of playlist templates which includes the template ID, the creating operator, the date of creation, the finalizing operator and the date of finalization, and (2) a template ID contents table which includes sequence numbers, clip type and clip duration.”

Column 12, lines 54-67:

“At this point, the user can also edit a playlist and/or create a new playlist depending on the user's security level. To edit a playlist, the Edit Playlist Form 267 is loaded.

FIG. 7 is a process flow chart of the system's Edit Playlist Form. When the user selects the Edit Playlist option, the program enters the Edit Playlist Form 267 and displays a list of the contents of the selected playlist, the contents of the template used to construct that playlist, and the contents of the system's clip library (the clips being segregated by clip type) 270. The Template Database, the Playlist Database and the Clip Library Database provide the information needed for this display. The template used to construct the playlist is the backbone of the playlist.” (emphasis added)

Column 13, lines 1-6:

“For example, a template for a 30 minute wheel playlist may begin with a commercial clip, then a news clip, then a fact clip, then another commercial clip, etc. This ensures the balance of the playlist and

avoids any undesired order of certain clip types (e.g., 8 commercials in a row)."

First, even though column 11, lines 36-40, teaches the creation of templates, that does not mean that each user inputs his/her multimedia content preferences. As matter of fact, if a user of Cho's system creates a particular template adapted to his/her particular needs, he/she may "input" his/her multimedia content preferences though he/she will prevent the other users from inputting theirs, which is contrary to the Appellant's invention wherein each user inputs his/her multimedia content preferences.

With respect to column 12, lines 54-67, it discloses that a user, according to his/her security level, may edit a playlist. Here again, the user is not inputting his/her preferences, he/she is actually creating a playlist. The difference may be small but creating a playlist does not equal inputting multimedia content preferences in a database. As a matter of fact and as it will be explained in more details below, in the Appellant's invention, the users (e.g. content providers) do not create playlists, they input their multimedia content preferences and their air time preferences and it is the system that creates the playlists according to the preferences each of the users. Therefore, by allowing user to directly create playlists, the invention of Cho teaches away from the present invention. In any case, if a user edits a playlist, he/she is not inputting his/her preferences, he/she is imposing his/her choices to the other users.

As for the passage of column 13, lines 1-6, it teaches only that a template may force certain clips to be placed at certain positions within the template. In fact, this passage is teaching away from the Appellant's invention because a template is far from being a means by which you input preferences. According to the Merriam-Webster's Collegiate Dictionary, a template is "something that establishes or serves as a pattern". For the sake of completeness, a pattern is "something designed or used as a model for making things". Accordingly, a template is almost the antithesis of

inputting preferences since you usually use a template not to have to take into account each preference of each user. If you use templates, it means that you want people to follow certain predetermined models, it also means you want a certain level of standardization in the created playlists whereas if you allow each user to input his/her preferences, it means you wish to provide fully customized playlists.

In other words, if you have templates, you do not need to have each user inputting his/her preferences. One excludes the other.

Therefore, the Appellant respectfully believes that the patent of Cho does not teach nor disclose means to input multimedia content preferences as understood and described in the Appellant's application.

Second, in claim 28, item g) recites: "on said scheduling server, inputting and storing data related to the air time period preferences of each user in said playlist schedule of a visual display system" (emphasis added) and in claim 29, item f) recites: "fifth means for inputting data related to the air time period preferences of each user in said playlist schedule of a visual display system" (emphasis added).

In his examination report, the Examiner cited the following passages as providing anticipatory disclosure with respect to the limitations of items g) of claim 28 and f) of claim 29.

Column 12, lines 62-67:

"[...] the contents of the template used to construct that playlist, and the contents of the system's clip library (the clips being segregated by clip type) 270. The Template Database, the Playlist Database and the Clip Library Database provide the information needed for this display. The template used to construct the playlist is the backbone of the playlist."

Column 13, lines 1-6:

“For example, a template for a 30 minute wheel playlist may begin with a commercial clip, then a news clip, then a fact clip, then another commercial clip, etc. This ensures the balance of the playlist and avoids any undesired order of certain clip types (e.g., 8 commercials in a row).”

The first passage teaches nothing, inherently or explicitly about inputting and storing air time period preferences. If the Examiner refers to the Template Database, the Playlist Database and the Clip Library Database as implicitly reciting the inputting and storing of air time period preferences, this is far from being obvious and it is certainly not an explicit teaching. In fact, none of these databases contains information about air time preferences of the users.

The Examiner may argue that a template inherently contains the air time preferences of a user. However, the limitations of claims 28 and 29 are clear about the fact that the air time preferences of each user are inputted. From the disclosure of Cho, it is not recited if a template includes the air time preferences of each user. On the contrary, the templates are most probably created by individuals having specific security level (see for instance column 12, lines 54-56). In any case, if the Examiner considered the creation of template as providing an inherent disclosure of inputting air time preferences, it was his duty to show the inherence. *Prima facie*, this is not the case.

As for the second passage, it too teaches nothing about inputting and storing air time period preferences. As a matter of fact, it only teaches that in a given template, the clips may be spread according to their type. Hence, commercial clips will likely be separated by other clips of different types to prevent “8 commercials in a row”. Nevertheless, the Appellant wonders how the separation of clips in a template can anticipate the “inputting and storing air time period preferences”. In the Appellant’s

opinion, a template is a predetermined structure which is generally not based on the preferences of each of the users. The users may prefer certain templates over others but the templates themselves do not take into account their preferences. In fact, as it will be shown in more details below, in the Appellant's invention, the users input their preferences in order for the system to generate an optimal playlist by correlating the multiple and possibly contradictory inputted preferences of all the users. Should the Appellant's invention use templates for its playlists, there would be no use whatsoever for the inputting and storing air time period preferences.

In Cho's invention, the templates have periods to be filled with clips of different types but the users cannot input their preferences, they can only use the air time periods provided by the templates. In other words, in the system of Cho, a user can select a period in a template only if it is available. The selected period may be the preferred period or it can be the second, third or even last choice. In any case, the user has not inputted his/her air time period preferences, he/she has inputted a clip in an available period.

Moreover, in Cho's invention, if a period in a template is already taken by a first user, than a second user, which prefers the period already taken, would have to select another period which may not be the preferred one.

The Examiner may argue that in the system of Cho, a user can edit the template or the playlist. However, only users having specific security level can do so (see column 12, lines 54-56). Thus, not all the users can do it. Moreover, by doing so, the user having the adequate security level is in fact imposing his/her preferences at the expense of the other users having lower security level. It is to be reminded that the limitations of claims 28 and 29 are clear to the effect that each user inputs his/her air time preferences.

Again, the difference may be subtle but it is present nonetheless. Is the Cho reference teaching the inputting and storing of air time period preferences of each user? The answer is clearly no. In the system of Cho, you do not input preferences, you input a clip in a valid and available period in a template, whether the period be your preferred one or not. In any case, the system of Cho does not allow each user to actively input his/her preferences with respect to air time periods in a database.

Consequently, the Appellant respectfully believes that the patent of Cho does not anticipate item g) of claim 28 nor item f) of claim 29. Accordingly, claims 28 to 38 are not anticipated.

Third and most importantly, in claim 28, item h) recites: "creating said playlists by optimally correlating said available air time periods, said air time period preferences and said multimedia content preferences" (emphasis added) and in claim 29, item g) recites: "sixth means for processing data to determine for each visual display system, the actual playlist schedule by optimally correlating said available air time periods, said air time period preferences, and said multimedia content preferences" (emphasis added).

In his examination report, the Examiner cited the following passages as providing anticipatory disclosure with respect to the limitations of items h) of claim 28 and g) of claim 29.

Column 12, lines 37-67:

"FIG. 6 is a process flow chart of the system's Socket Management Form. Playlist sockets are places where a "wheel" can be placed. When the user selects the PLAYLISTS option, the program enters the Socket Management Form 262 or 263 (depending on the user's security level) and displays a list of all store sites, the list of sockets for store no. 1 (as a default) and a list of all the available playlists 265. The user can then

move through the list of stores displaying the sockets for each store in the process. The Store Info Database and the Playlist Database provide the information needed for this display.

The user can then select from the available playlists to fill sockets of a particular store site 266. Each store site has its own number of sockets. For example, if a store is displaying 30 minute wheels of playlists for 18 hours (all the store's open hours), the store has 36 sockets which must be filled with wheels of playlists. At this point, the user can also edit a playlist and/or create a new playlist depending on the user's security level. To edit a playlist, the Edit Playlist Form 267 is loaded.

FIG. 7 is a process flow chart of the system's Edit Playlist Form. When the user selects the Edit Playlist option, the program enters the Edit Playlist Form 267 and displays a list of the contents of the selected playlist, the contents of the template used to construct that playlist, and the contents of the system's clip library (the clips being segregated by clip type) 270. The Template Database, the Playlist Database and the Clip Library Database provide the information needed for this display. The template used to construct the playlist is the backbone of the playlist.” (emphasis added)

Column 13, lines 1-25:

“The template predefines the order of certain types of selected video clips. For example, a template for a 30 minute wheel playlist may begin with a commercial clip, then a news clip, then a fact clip, then another commercial clip, etc. This ensures the balance of the playlist and avoids any undesired order of certain clip types (e.g., 8 commercials in a row).

At this point in the program, the user can revise the playlist 271. The level of revisions available to the user depends on the user's security level. For example, if a user has a lower security level, the user may not be able to change any of the commercials in a playlist. Additionally, without regard to the user's security level, all playlists must conform to their respective templates.

The user can then opt to create a new template or save the playlist 274. If the user decides to create a new template, the program warns the user that all existing entries in the playlist will be removed/erased 272. The program then loads Open Template Form 273 (described below). If the user decides to save the playlist 274, the program (1) makes the corresponding changes to the Playlist Database and (2) uses the Store Info Database to notify the Uplink Database of all the stores that will need to receive the updated playlist and the updating video clips (the pending flag, introduced above, is also set at this time for additional video clips that need to be sent to stores)." (emphasis added)

First, a claim and its limitations must always be read in accordance with the specification. Therefore, when it is recited that the playlists are created by optimally correlating the available air time periods, the air time period preferences and the multimedia content preferences, it is not superfluous to go back to the specification to see what is meant by generating optimal playlists.

In the Appellant's patent specification, paragraphs [0119] and [0120] recite the following:

"[0119] The needs and preferences of each advertiser and information provider who wishes to use the digital presentation system are gathered by the sales personnel and are inputted in the database

maintained in the central storage 120 via the workstations and Scheduling Servers. These preferences include demographics, multimedia content, airtime preferences and budgetary constraints. All of these preferences and constraints are entered into the central storage 120 via the Scheduling Servers 200, 300 and 400. Each workstation operator can reserve air time for display sub-systems located in his/for metropolitan area or indeed in any other display sub-system connected to the Transmission Control System 100 via the network 600.

[0120] Each workstation operator also has the option of using optimisation software contained in the Scheduling Servers to suggest a schedule to the client which will take into consideration the aforesaid constraints (demographics, content, air time and budget)."

From the foregoing, one question must be answered: Is the patent of Cho teaching or disclosing means to optimally correlate air time preferences, the multimedia content preferences and the available air time periods to generate playlists?

First, all the system of Cho is based on the concept of template. This fact is proven by numerous passages of Cho's patent. For instance:

Column 12, lines 66-67: "The template used to construct the playlist **is the backbone of the playlist.**"

Column 13, lines 11-13: "Additionally, without regard to the user's security level, all playlists must conform to their respective templates".

How can playlists made according to templates anticipate playlists generated by optimally correlating the air time and multimedia content preferences of each user and the available air time periods?

In the system of Cho, the playlists are made according to predetermined templates which are static in nature. In the Appellant's invention, the playlists are created dynamically according to the preferences of the users and the air time availability. There is therefore a fundamental difference between both systems.

As a matter of fact, since the system of Cho is based on templates, why would his system comprise means to optimally correlate the preferences of the users and the air time availability to create playlists? There is in fact no such need and consequently, Cho is definitely teaching away from the Appellant's invention. Therefore, Cho's patent cannot anticipate neither claim 28 nor claim 29 since both claims explicitly recite the creation of playlists by optimally correlating preferences of the users and the air time availability.

Moreover, as explained above, Cho's system does not include means or steps to input and store the multimedia content preferences and the air time preferences of each of its user. Therefore, how could Cho's system anticipate the generation of playlists by optimally correlating preferences of the users and the air time availability if there are no means to input and store such preferences?

In conclusion, despite the fact that Cho's system and the Appellant's system share some attributes and despite the arguments of the Examiner, the Appellant has shown by the foregoing that the patent of Cho does not disclose key limitations of claims 28 and 29 and therefore does not anticipate the Appellant's invention. Furthermore, by virtue of claim dependency, claims 31, 32, 36 and 38 are also not anticipated.

The Examiner's rejection of claim 30 under 35 USC § 103(a) as being obvious over Cho in view of Chen is erroneous and should be reversed.

By virtue of claim dependency, since claim 29 is believed to be fully patentable over the prior art as discussed above, claim 30 is also believed to be patentable.

The Examiner's rejection of claim 37 under 35 USC § 103(a) as being obvious over Cho in view of Hendricks is erroneous and should be reversed.

By virtue of claim dependency, since claim 29 is believed to be fully patentable over the prior art as discussed above, claim 37 is also believed to be patentable.

The Examiner's rejection of claims 32-35 under 35 USC § 103(a) as being obvious over Cho in view of Berezowski is erroneous and should be reversed.

By virtue of claim dependency, since claim 29 is believed to be fully patentable over the prior art as discussed above, claims 32-35 are also believed to be patentable.

As a final note, it might be considered that our position with respect to the patentability of the currently rejected claims is shared by the European Patent Office since they have granted the Appellant a European patent for substantially similar claims.

The Appellant therefore respectfully requests that all the rejections of the Appellant's claims be withdrawn and the a timely notice of allowance be issued.

VIII. Claims Appendix (37 CFR § 41.37(c)(1)(viii))

Claims

1) (Cancelled)

2) (Cancelled)

3) (Cancelled)

4) (Cancelled)

5) (Cancelled)

6) (Cancelled)

7) (Cancelled)

8) (Cancelled)

9) (Cancelled)

10) (Cancelled)

11) (Cancelled)

12) (Cancelled)

13) (Cancelled)

14) (Cancelled)

15) (Cancelled)

16) (Cancelled)

17) (Cancelled)

18) (Cancelled)

19) (Cancelled)

20) (Cancelled)

21) (Cancelled)

22) (Cancelled)

23) (Cancelled)

24) (Cancelled)

25) (Cancelled)

26) (Cancelled)

27) (Cancelled)

28) (Previously amended) A method for the display of multimedia content on one or more display screens operatively connected to respective display controllers, said display of multimedia content being made according to playlists comprising multiple air time periods and stored on said display controllers, said display controllers being connected to a scheduling server and a transmission control system via a data communication network, said method comprising the following steps:

- a) selecting the multimedia content to be displayed;
- b) storing said multimedia content on said scheduling server;
- c) selecting one of said display screens on which said multimedia content is to be displayed;
- d) storing such display screen selection on said scheduling server;
- e) on said scheduling server, determining and storing data related to the availability of said air time periods of said playlists;
- f) on said scheduling server, inputting and storing data related to the multimedia content preferences of each user of a visual display system;
- g) on said scheduling server, inputting and storing data related to the air time period preferences of each user in said playlist schedule of a visual display system;
- h) creating said playlists by optimally correlating said available air time periods, said air time period preferences and said multimedia content preferences;
- i) transmitting said stored multimedia content and said playlists to said display controllers connected to said selected display screen;
- j) displaying said selected multimedia content on said selected display screen according to said playlists.

29) (Previously presented) A system to control the display of digital multimedia content on a plurality of out-of-home remote visual display systems connected together via a broadband network, wherein each said visual display system comprises an electronic multimedia display operatively connected to an associated display controller, said electronic multimedia display being arranged to be viewable by a plurality of passers-by, each of said display systems being adapted to cycle through a playlist schedule of

multimedia content, each said playlist schedules having a plurality of air time periods and being stored on respective said display controller, said control system comprising:

- a) at least one scheduling server operatively connected to said visual display systems, said at least one scheduling server comprising computer processor means and data storage means;
- b) first means for processing data from a database to determine the availability of said air time periods in each of said playlists schedules of each of said visual display systems;
- c) second means for processing data to select and reserve one or more of said available air time periods in one or more of said playlists schedules to define said playlist schedules;
- d) third means for processing data to respectively link to each of said reserved air time periods of each playlist schedule according to each of said playlist schedules, the multimedia content to be displayed by each of said visual display systems during said reserved air time periods, said third means for processing data further including means for transmitting said multimedia content and said playlist schedules to the corresponding one of said visual display systems.
- e) fourth means for inputting and storing data related to the multimedia content preferences of each user of a visual display system;
- f) fifth means for inputting data related to the air time period preferences of each user in said playlist schedule of a visual display system;
- g) sixth means for processing data to determine for each visual display system, the actual playlist schedule by optimally correlating said available air time periods, said air time period preferences, and said multimedia content preferences.

30) (Previously presented) A control system as claimed in claim 29, characterized in that each said visual display system further comprises means to request the transmission of said multimedia content or part of said multimedia content if said multimedia content or part of said multimedia content is not available on said storage means.

31) (Previously presented) A control system as claimed in claim 29, characterized in that it comprises means for inputting and storing demographic data in relation to the geographic location of each visual display system.

32) (Previously presented) A control system as claimed in claim 29, wherein said sixth means for processing data comprises:

- a) means to determine, for each said playlist associated to each visual display system the duration of any unreserved air time period,
- b) means to fill each said unreserved air time period of said playlist with digital content which is compatible with the remaining multimedia content in the said corresponding predetermined air time period.

33) (Previously presented) A control system as claimed in claim 29, wherein said sixth means for processing data comprises:

- a) means to determine, for each said playlist associated to each visual display system the duration of any unreserved air time period,
- b) means to remove each said unreserved air time period of said playlist.

34) (Previously presented) A control system as claimed in claim 31, wherein said means for processing data comprises:

- a) means to determine, for each said playlist associated to each said visual display system the duration of any unreserved air time period;
- b) means to fill each said unreserved air time period of said playlist with digital content which is compatible with the remaining multimedia content in the said corresponding predetermined 'air time period.

35) (Previously presented) A control system as claimed in claim 31, wherein said means for processing 10 data comprises:

- a) means to determine, for each said playlist associated to each visual display system the duration of any unreserved air time period,

b) means to remove each said unreserved air time period of said playlist.

36) (Previously presented) A system as claimed in claim 29, wherein said broadband network is a satellite network.

37) (Previously presented) A system as claimed in claim 29, wherein said broadband network is a bidirectional network.

38) (Previously presented) A control system as claimed in claim 29, wherein said means for transmitting data comprises a transmission control system connected to the scheduling server and the visual display systems.

IX. Evidence Appendix (37 CFR § 41.37(c)(1)(ix))

The following evidences are being submitted (in triplicate):

- Copy of the U.S. Patent No. 5,566,353, granted to Nack Y. Cho and Jerry E. Magilton Jr.;
- Copy of the U.S. Patent No. 7,039,784, granted to Monsong Chen, Dah-Weihs Duan, Aparna Pappu et Bodhi Mukherjee;
- Copy of the U.S. Patent No. 6,738,978, granted to John S. Hendricks and Alfred E. Bonner;
- Copy of the U.S. Patent No. 6,075,551, granted to David Michael Berezowski, John Garret Thompson and Richard E. Millar;
- Copy of the pages of the Merriam-Webster's Collegiate Dictionary containing the definition of "template" and "pattern".

There is no further evidence submitted with this Brief of Appeal.

X. Related Proceedings Appendix (37 CFR § 41.37(c)(1)(x))

There is no related proceedings identified pursuant to 37 CFR § 41.37(c)(1)(ii).

Application No. 09/937,078
Brief of Appeal dated February 5, 2007
Relating to Office Action of December 4, 2006

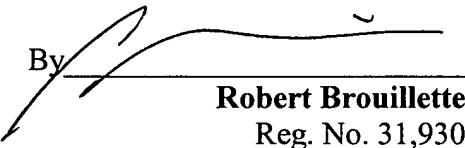
Conclusion

In view of the foregoing, the Appellant respectfully submits that claims 28-38 are patentable over the cited prior art. Accordingly, it is respectfully requested that the Examiner's rejection be reversed.

All telephone conversations should be directed to Robert Brouillette at (514) 397-6900.

Respectfully submitted,

BROUILLETTE & PARTNERS LLP
Customer Number 56535

By 
Robert Brouillette
Reg. No. 31,930
1550, Metcalfe Street, suite 800
Montréal, Québec, Canada
H3A 1X6

Telephone: (514) 397-6900
Fax: (514) 395-8554

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AFFST AVAIL ABLE

a substance, body, or organism with respect to the mixture or balance of its elements, qualities, or parts : **MAKEUP** b : **COMPLEXION** 1 *2 obs* a : **CLIMATE** b : **TEMPERATURE** 2 *3 a* : the peculiar or distinguishing mental or physical character determined by the relative proportions of the humors according to medieval physiology b : characteristic or habitual inclination or mode of emotional response (*nervous*) c : extremely high sensitivity; esp : excessive sensitiveness or irritability 4 *a* : the act or process of tempering or modifying : **ADJUSTMENT**. **COMPROMISE** b : middle course : **MEAN** 5 : the slight modification of acoustically pure intervals in tuning a musical instrument; esp : modification that produces a set of 12 equally spaced tones to the octave. **SYN see DISPOSITION**

tem-per-a-men-tal *tem-pla-men-tal* *tem-par-ə-men-tal* *tem-par-ɪ-tɪv* *adj* (1646) 1 : of, relating to, or arising from temperament : **CONSTITUTIONAL** (< peculiarities) 2 *a* : marked by excessive sensitivity and impulsive mood changes (*a ~ child*) b : unpredictable in behavior or performance (*a ~ computer*) — **tem-per-a-men-tal-ly** *vɪ-pəl-éɪv* *adv*

tem-per-ance *tem-pla-sjantɪs* *tem-par-əns* *n* [ME, fr. AF, fr. L *temperantia*, fr. *temperare*, pp. of *temperare* to moderate, restrain] 1 : moderation in action, thought, or feeling : **RESTRAINT** 2 *a* : habitual moderation in the indulgence of the appetites or passions b : moderation in or abstinence from the use of alcoholic beverages

tem-per-a-ture *tem-pla-rɪərɪ* *adj* [ME *temperat*, fr. L *temperatus*, fr. pp. of *temperare*] (14c) 1 : marked by moderation: as a : keeping or pp. within limits; not extreme or excessive : **MILD** b : moderate in indulgence of appetite or desire c : moderate in the use of alcoholic beverages d : marked by an absence or avoidance of extravagance, violence, or extreme partisanship 2 *a* : having a moderate climate which esp. lacks extremes in temperature b : found in or associated with a moderate climate (< insects) 3 : existing as a prophage in infected cells and rarely causing lysis (< bacteriophages) — **tem-per-a-te-ly** *adv* — **tem-per-a-te-ness** *n*

temperate rain forest *n* (ca. 1930) : woodland of a usu. rather mild climatic area within the temperate zone that receives heavy rainfall, usu. includes numerous kinds of trees, and is distinguished from a tropical rain forest esp. by the presence of a dominant tree

temperate zone, *n*, often cap *T&Z* (1551) : the area or region between the Tropic of Cancer and the arctic circle or between the Tropic of Capricorn and the antarctic circle

tem-per-a-ture *tem-pla-rɪ* *chür* *-p(a)-ra* *-cher* *-t(y)ur* *-tūrl n* [L *temperatura* mixture, moderation, fr. *temperatus*, pp. of *temperare*] (1533) 1 *archaic* a : **COMPLEXION** 1 b : **TEMPERAMENT** 3b 2 *a* : degree of hotness or coldness measured on a definite scale b : the degree of heat that is natural to the body of a living being c : abnormally high body heat (running a ~) 3 *a* : relative state of emotional warmth (< scandals raised the political ~) b : **MOOD** (testing the ~ of voters) **temperature inversion** *n* (1921) : **INVERSION** 6

tem-pered *tem-pardɪ* *adj* (14c) 1 *a* : having the elements mixed in satisfying proportions : **TEMPERATE** b : qualified, lessened, or diluted by the mixture or influence of an additional ingredient : **MODERATED** (< a pale gleam of ~ sunlight fell through the leaves —W. H. Hudson 1922) 2 : treated by tempering esp. of glass : treated so as to impart increased strength and the property of shattering into pellets when broken 3 : having a specified temper — used in combination <short-tempered> 4 : conforming to adjustment by temperament — used of a musical interval, intonation, semitone, or scale

tem-pestr *tem-past* *n* [ME *tempes*, fr. AF, fr. VL **tempes*], alter. of L *tempes* season, weather, storm, fr. *tempus* time] (13c) 1 : a violent storm 2 : **TUMULT**, **UPROAR**

tempest *w* (14c) : to raise a tempest in or around a tempest in a teapot (1838) : a great commotion over an unimportant matter

tem-pe-stu-ous *tem-pes-chə-wəs*, *-pesh-* *adj* [ME, fr. LL *tempestuosus*, fr. OL *tempestus* season, weather, storm, fr. *tempus*] (15c) : of, relating to, or resembling a tempest : **TURBULENT**, **STORMY** (< weather) (*a ~ relationship*) — **tem-pe-stu-ous-ly** *adv* — **tem-pe-stu-ousness** *n*

Tem-plar *tem-plar* *n* [ME *templar*, fr. AF, fr. ML *templarius*, fr. L *templum* temple] (13c) 1 : a knight of a religious military order established in the early 12th century in Jerusalem for the protection of pilgrims and the Holy Sepulcher 2 : **RKNIGHT TEMPLAR** 2

tem-plate *tem-plæt* *n* [prob. fr. *temples*, dim. of *temple*, part of a loom, prob. fr. L *templum*] (1677) 1 : a short piece or block placed horizontally in a wall under a beam to distribute its weight or pressure (as over a door) 2 *a* (1) : a gauge, pattern, or mold (as a thin plate or board) used as a guide to the form of a piece being made (2) : a molecule (as of DNA) that serves as a pattern for the generation of another molecule (as messenger RNA) b : **OVERLAY** c : something that establishes or serves as a pattern

tem-ple *tem-plə* *n* [ME, fr. AF, fr. VL **tempida*, alter. of L *tempora* (pl.) temple, fr. L *tempus* space marked out for observation of auguries, temple, small timber; prob. akin to Gr. *temenos* sacred precinct, *teminein* to cut — more at **TOME**] (bef. 12c) 1 : a building for religious practice: as often cap : either of two successive national sanctuaries in ancient Jerusalem b : a building for Mormon sacred ordinances c : the house of worship of Reform and some Conservative Jewish congregations 2 : a local lodge of any of various fraternal orders: also : building housing it 3 : a place devoted to a special purpose: (*a ~ cuisine*) — **tem-pled** *l-paldɪ* *adj*

tem-ple *n* [ME, fr. AF, fr. VL **tempida*, alter. of L *tempora* (pl.) temple, fr. L *tempus* space marked out for observation of auguries, temple, small timber; prob. akin to Gr. *temenos* sacred precinct, *teminein* to cut — more at **TOME**] (bef. 12c) 1 : a building for religious practice: as often cap : either of two successive national sanctuaries in ancient Jerusalem b : a building for Mormon sacred ordinances c : the house of worship of Reform and some Conservative Jewish congregations 2 : a local lodge of any of various fraternal orders: also : building housing it 3 : a place devoted to a special purpose: (*a ~ cuisine*) — **tem-pled** *l-paldɪ* *adj*

(14c) 1 : the flattened space on each side of the forehead of some mammals including humans 2 : one of the side supports of a pair of glasses jointed to the bows and passing on each side of the head

tem-po *tem-po* *n*, pl. *tem-pi* *χ(í)pē* or *tempos* *n* [L, lit. time, time, indicated by one of a series of directions (as largo, presto, or allegro) and often by an exact metronome marking] 2 : rate of motion or activity : **PACE**

tem-po-ral *tem-pla-rɔl* *adj* [ME, fr. AF *temporal*, fr. L *temporālis*, tempori-, *tempus* time] (14c) 1 *a* : of or relating to time as opposed to eternity b : of or relating to earthly life c : lay or secular rather than clerical or sacred : **CIVIL** (*lords ~*) 2 : of or relating to grammar tense or a distinction of time 3 *a* : of or relating to time as di-

guished from space : b : or relating to the sequence of time or space
particular time : CHRONOLOGICAL — temporal-
temporal *n* [MF, fr. *temporal*, adj.] (1541) : a temporal part (as a bone or muscle)
temporal *adj* [MF, fr. LL *temporalis*, fr. L *tempora* temporal (1579)] :
or relating to the temples or the sides of the skull behind the orbits
temporal bone *n* (1771) : a compound bone of the side of the skull of some mammals including humans
tempo-ral-i-ty \tem-pôr'âlî-té\ *n*, pl -ties (14c) : 1 a : end or period of time
cal as distinguished from spiritual or ecclesiastical power or possessions
b : an ecclesiastical property or revenue — often used in pl.
quality or state of being temporal
tempo-ral-i-ze \tem-pôr'âlîz\ *v* -ized; -iz-ing (1828) :
1 IZE 2 : to place or define in time relations
temporal lobe *n* (1889) : a large lobe of each cerebral hemisphere
is situated in front of the occipital lobe and contains a sensory area
associated with the organ of hearing
temporal summation *n* (1950) : sensory summation that involves the addition of single stimuli over a short period of time
tempo-ral-i-ty \tem-pôr'âlî-té\ *adv* (1534) : during a limited time
tempo-ry \tem-pôr'ârë\ *tempo-rar-y* [L *temporarius*, fr. *tempus*, time] (ca. 1564) : lasting for a limited time — tempo-ry-ness
temporary *n*, pl -aries (1848) : one serving for a limited time (as several **temporaries** as typists during the summer)
temporary duty *n* (1945) : temporary military service away from one's permanent duty station
tem-po-ri-ze *v* Brit var of TEMPORIZE
tem-po-ri-zed \tem-pôr'âzid\ *v*-ized; -iz-ing [ME *temporise*, fr. L *temporare* to pass the time, fr. *tempor-, tempus*] (1579) : 1 : to act so as to suit the time or occasion : yield to current or dominant opinion 2 : to draw out discussions or negotiations so as to gain time (you've got to ~ until you found out how she wanted to be advised — Mary Austin)
— tem-po-ri-za-tion \tem-pôr'â-zâ-shn\ *n* — tem-po-ri-za-tive
tem-po-ro-man-dib-u-lar \tem-pôr'â-mân'dib-yü-lär\ *adj* [L *temporo-* + *mandibular*] (1889) : of, relating to, or being, or affecting the joint between the temporal bone and the mandible that allows for the movement of the mandible (~ dysfunction)
tempt \tem-pôt\ *v* [ME, fr. AF *tempten*, tenter, fr. L *temptare*, tend to feel, try] (13c) : 1 : to entice to do wrong by promise of pleasure or gain 2 a : obs : to make trial of : TEST b : to try presumptively something : PROVOKE (~ fate) c : to risk the dangers of 3 a : to induce to do something b : to cause to be strongly inclined (was ~d to quit) — syn see LURE — **tempt-able** \tem-pôt'-ə-b'l\ *adj*
tempta-tion \tem-pôt'-shn\ (13c) : the act of tempting or the state of being tempted esp. to evil : ENTICEMENT — sometimes used figuratively
tempter \tem-pôt'-pér\ *n* (14c) : one that tempts or entices
tempting \tem-pôt'-pîng\ *adj* (1588) : having an appeal : ENTICING (as offer) — tempt-ing-ly *adv*
temptress \tem-pôt'-rës\ *n* (1594) : a woman who tempts or entices
tem-pôr-a \tem-pôr'-ä, -rä, tem'-pôr-ä\ *n* [Up *tempura*] (1920) : scalded or vegetables dipped in batter and fried in deep fat
ten \ten'\ *n* [ME, fr. OE *tiene*, fr. *tienn*, adj, ten' akin to OHG *zehan* (L *decim*, Gr *deka*) (bef. 12c) 1 — see NUMBER table 2 : the 10th in a set or series (*wears a ~*) 3 : something having 10 units or members 4 : a 10-dollar bill 5 : one deserving the highest rating : specif. an exceptionally attractive person — **ten adj** — **ten pron**, pl in construction — **ten-able** \te-nâ-bal\ *adj* [MF, fr. *tenir* to hold, fr. L *tendere* — more at THIN] (1579) : capable of being held, maintained, or defended : DEFENSIBLE, REASONABLE — **ten-a-bil-i-ty** \te-nâ-blî-té\ *n*
ten-a-ble-ness *n* — **ten-a-bly** \te-nâ-blî\ *adv*
ten-a-cre \te-nâ-sës, te-nâs', te-nâs'\ *n* [modif. of Sp *tenaza*, NL *tenuacis*, prob. fr. L *tenuacia*, neut. pl. of *tenax*] (1655) : a combination of two high or relatively high cards (as ace and queen) of the same suit in one hand with one ranking two degrees below the other
te-na-cious \te-nâ-shës\ *adj* [L *tenuac-*, *tenax* tending to hold, incline to hold] (1607) 1 a : not easily pulled apart : CONSPICUOUS (as metal) b : tending to adhere or cling esp. to another substance (~ burns) 2 a : persistent in maintaining, adhering to, or seeking something valued or desired (a ~ advocate of civil rights) (~ negotiations) b : RETENTIVE (a ~ memory) — syn see STRONG — **te-na-cious-ly** *adv* — **te-na-cious-ness** *n*
te-na-ci-ty \te-nâ-si-té\ *n* (15c) : the quality or state of being tenacious — syn see COURAGE
te-na-cu-lum \te-nâ-kysâ-lüm\ *n*, pl -la (-lë) or -lums [NL, fr. L *tenuipunctum* hook attached to a handle and used mainly in surgery for stretching and holding parts (as arteries) 2 : an adhesive animal structure
ten-an-cy \te-nâ-në\ *n*, pl -cies (1590) 1 : a holding of an estate or a mode of holding an estate; specif.: the temporary possession or occupancy of something (as a house) that belongs to another 2 : the period of a tenant's occupancy or possession
ten-ant \te-nânt\ *n* [ME, fr. AF, fr. prp. of *tenir* to hold] (14c) : 1 : one who holds or possesses real estate or sometimes personal property (as a security) by any kind of right b : one who has the occupation or temporary possession of lands or tenements of another : **occupant** or dweller — **ten-ant-less** \te-nânt-lës\ *adj*
tenant *v* (1634) : to hold or occupy as or as if as a tenant : INHABIT — **tenant farmer** (1748) : a farmer who works land owned by another and pays rent either in cash or in shares of produce
ten-ant-able \te-nânt'-ə-bal\ *adj*
tenant farmer *n* (1748) : 1 : TENANCY 2 : a body of tenants
tench \tem-ch\ *n*, pl *tench* or *tench-es* [ME, fr. AF *tenc*, fr. L *tenca*] (13c) : a cyprinid fish (*Tinca tinca*) native to Eurasia but introduced in the U.S. and noted for its ability to survive in poorly oxygenated water
Ten Commandments *n* pl (13c) : the ethical commandments given according to biblical accounts to Moses by voice and by writing on stone tablets on Mount Sinai
tend \tend\ *v* [ME, short for attenden to attend] vi (14c) : 1 : to attend or listen to : pay attention to : apply oneself (~ to your own affairs) 2 : to our correspondence 3 : to act as an attendant : SERVE 4 : to his wife, 4 obs : AWAIT ~ vi 1 : to attend as a servant 2 : to attend to attend : SERVE 2

dence of wives and children, and the reckoning of descent and inheritance in the male line; **broadly** : control by men of a disproportionately large share of power 2 : a society or institution organized according to the principles or practices of patriarchy
patrician *pa-trish'an* *n* [ME *patrician*, fr. AF *patrician*, fr. L *patricius* 'father' + *patr-* 'father' — more at FATHER] (15c) a member of one of the original citizen families of ancient Rome 2 person of high birth: **ARISTOCRAT** b : a person of breeding and education — **patrician adj**
patr-i-shé-at, *-at* *n* (ca. 1656) 1 : the position or dignity of a patrician 2 : a patrician class
patricide *pa-tri-sid'* *n* (1593) 1 [L *patricida*, fr. *patr-* + *cida* -cide] 'who murders his or her own father' 2 [LL *patricidium*, fr. L *patridum* -cide] : the murder of one's own father — **patr-i-cid-al** *pa-tri-sid'ē-al* adj
patrilineal *pa-tri-lin'ē-al* *adj* (1904) : relating to, based on, or traceable through the paternal line (*a ~ society*)
patronymy *pa-trō-nim*, *mo-nē* *n* [ME *patronymie*, *patronymie*, fr. AF *patronymie*, fr. L *patronymon*, fr. *patr-* 'father' + *pater* 'father'] (14c) 1 a : an estate or inheritance from one's father or ancestor b : anything derived from one's father or ancestors: **HERITAGE** 2 : an estate or endowment being by ancient right to a church — **patr-i-mo-ni-al** *pa-tri-mō-nē-al* adj
patrion *pa-trē-āt*, *-āt*, **chiefly Brit** *pa-trē-āt* *n* [MF *patruote* compatriot] 1 : the position or dignity of a patriciate 2 : befitting or characteristic of a patriot — **pa-tri-ot-i-cally** *pa-tri-ot'-ikl* *adv*
patrionism *pa-trē-ā-ti-zm*, **chiefly Brit** *pa-trē-āt* *n* (ca. 1726) : love for one's country
Devotion to one's country
Patron Day (1897) : the third Monday in April observed as a legal holiday in Maine and Massachusetts in commemoration of the battles of Lexington and Concord in 1775

Patron saint (1847) : the church fathers or their writings
Patrist *pa-trist* *n* pl *bus sing in constr* (1847) : the study of the writings and background of the church fathers
Patroclus *pa-trō-klos*, *'trā-* *n* [L, fr. Gk *Patroklos*] (15c) : a Greek hero and friend of Achilles slain by Hector at Troy
Patrol *pa-trōl* *n* (1664) 1 a : the action of traversing a district or circuit or going the rounds along a chain of guards for observation or maintenance of security b : the person performing such an action 2 : a unit of persons or vehicles employed for reconnaissance, security, combat 2 : a subdivision of a Boy Scout troop or Girl Scout troop that is patrolled — **patrol** *verb* [F *patrouiller*, fr. MF, to tramp in the mud, fr. *patte* paw — more at PATTERN] *v* (1691) : to carry out a patrol ~ vt : to carry out a patrol of — **patroler** *n* **Patrolman** *pa-trōl'man* *n* (1867) : one who patrols; esp : a police officer assigned to a beat
Paddy wagon *pādē* *n* [from 1600s, fr. also pa-trōl] [ME, fr. AF, fr. ML & L; ML *patruere* 'patron', from Latin *patronus* 'protector' + *patruere* 'to defend', fr. *patr-* 'father'] (14c) 1 a : a person chosen, named, or honored as a spiritual guardian, protector, or supporter b : a wealthy or influential sponsor of an artist or writer c : a social or financial sponsor of a social function (as a ball or concert) 2 : one that uses wealth or influence to help an individual, an institution, or a cause 3 : one who buys the goods or uses the services offered esp. by an establishment 4 : the leader of the right of presentation to an English ecclesiastical benefice 5 : a master in ancient times who freed his slave but retained some rights over him 6 [F, fr. MF] : the proprietor of an establishment (as a inn) esp. in France 7 : the chief male officer in some fraternal organizations having both men and women members — **patronal** al *pa-trō-nāl* *pa-trō-nāl* *adj*

Patronage *pa-trō-nāj* *n* (14c) 1 : ADVOWSON 2 : the support and influence of a patron 3 : kindness done with an air of superiority or business or activity provided by patrons (the new branch library is expected to have a heavy ~) 5 a : the power to make appointments to government jobs esp. for political advantage b : the distribution of favors on the basis of patronage c : jobs distributed by patronage

Patroness *pa-trō-nēs* *n* (15c) : a woman who is a patron

Patronize *pa-trō-niz*, *pa-* *v* -ized; -iz-ing (1589) 1 : to act as patron; provide aid or support for 2 : to adopt an air of condescension or snobism toward (treat haughtily or coolly) 3 : to be a frequent or regular customer or client of — **patron-i-zation** *pa-trō-nāz'* *n* **Patron saint** (1717) 1 : a saint to whose protection and intercession a person, a society, a church, or a place is dedicated 2 : an original or prime exemplar

Patronymic *pa-trō-nim'ik* *n* [ultim. fr. Gk *patronymia* patronymy, *pat-* 'father' + *onyma* name — more at NAME] (1612) : a name derived from the name of the father or a paternal ancestor usu. by the addition of an epithet or prefix

Patron *pa-trōn* *n* [F *patron* & Sp *patrón*, fr. ML *patronus*, fr. L, *patr-* 'father'] 1 : archaic : the captain or officer commanding a ship 2 : the proprietor of a manorial estate esp. in New York City 3 : granted under Dutch rule but in some cases existing until the mid-1700s — **patron** *verb* [ME *patren*, fr. AF, fr. *patre* paw, hoof, fr. VL **patta*, *pattus* 'clog, sandal, overshoe' — more at *foot*] (14c) : to protect or manage (as a metal device to elevate the foot and increase the wearer's height) 4 : to walk in mud

Patron *pa-trōn* *n*, pl *patronies* [perh. fr. It *pazzo* 'fool'] (1903) : a person who is easily manipulated or victimized: **PUSHOVER**

Patron *pa-trōn* *n* [ME *patron*, fr. AF, fr. *patre* paw, hoof, fr. VL **patta*, *pattus* 'clog, sandal, overshoe' — more at *foot*] (14c) : a clog, sandal, or overshoe often with a wooden sole or metal device to elevate the foot and increase the wearer's height

Patron *pa-trōn* *n* [ME *patron*, fr. *patronostar*] *v* (14c) : to say or speak rapidly or mechanically ~ vi 1 : to recite prayers (as patter) 2 : to sing rapid-fire words in a theatrical performance — **pat-ter** *pa-trē* *n* (1758) 1 : a specialized lingo: **CANT**; esp : the jargon of criminals or thieves 2 : the spiel of a street hawker or of a circus barker

3 : empty chattering talk 4 a (1) : the rapid-fire talk of a comedian (2) : the talk with which an entertainer accompanies a routine b : the words of a comic song or of a rapidly spoken usu. humorous monologue introduced into such a song

patter *vb* [freq. of *pat*] *v* (1611) 1 : to strike or pat rapidly and repeatedly 2 : to run with quick light-sounding steps ~ *vt* : to cause to patter

patter *n* (1844) : a quick succession of light sounds or pats

pattern *pa-tōrn* *n* [ME *patron*, fr. AF, fr. ML *patronus*] (14c) 1 : a form or model proposed for imitation: **EXEMPLAR** 2 : something designed or used as a model for making things (a dressmaker's ~) 3

: an artistic, musical, literary, or mechanical design or form 4 : a natural or chance configuration (rost ~) *<* the ~ of events 5 : a length of fabric sufficient for an article (as of clothing)

6 a : the distribution of shrapnel bombs on a target, or shot from a shotgun b : the grouping made on a target by bullets 7 : a reliable sample of traits, acts, tendencies, or other observable characteristics of a person, group, or institution (a behavior ~) *<* spending ~ 8 a : the flight path prescribed for an airplane that is coming in for a landing b : a prescribed route to be followed by a pass receiver in football 9 : **rest** PATTERN 10 : a discernible coherent system based on the intended interrelationship of component parts (foreign policy ~) 11 : frequent or widespread incidence (a ~ of dissent) (a ~ of violence) **syn** see MODEL — **pat-terned** *pa-tōrn-ed* *adj* — **pat-tern-less** *adj*

pattern *v* (ca. 1586) 1 **dial chiefly Eng** *a* : **MATCH** 2 : **IMITATE** 2 : to make, adapt, or fashion according to a pattern 3 : to furnish, adorn, or mark with a design ~ *vi* : to form a pattern

pattern-ing *pa-tōrn-ing* *n* (1862) 1 : decoration, composition, or configuration according to a pattern 2 : physical therapy esp. for neurological impairment based on a theory holding that repeated manipulation of body parts to simulate normal motor developmental activity (as crawling or walking) promotes neurological development or repair

pat-ty also pat-pie *pa-tē*, *n*, pl *patties* [F *pâté* *pâté*] (1710) 1 : a little pie 2 a : a small flat cake of chopped food (as a hamburger ~) b : a small flat candy (a peppermint ~) 3 **PATTY SHELL**

pat-ty-cake *pa-tē-kâk* or **pat-a-cake** *pa-da-kâk*, *'pat-a-* *n* [fr. the opening words of the rhyme] (1889) : a game in which two participants (as mother and child) clap their hands together to the rhythm of an accompanying nursery rhyme

pat-ty-pan *pa-tē-pân* *n* [*pattypan* pan for baking patties] (1900) : a roundish summer squash having a scalloped edge — called also **cyming**

patty shell *n* (1909) : a shell of puff pastry made to hold a creamed meat, fish, or vegetable filling

pat-u-lous *pa-châ-lôs* *adj* [L *patulus*, fr. *patere* to be open — more at FATHOM] (1616) : spreading widely from a center (a tree with ~ branches)

pat-zer *pa-tē-sar*, *'pat-* *also pot-zer* *pa-tē* *n* [prob. fr. G *Patzer* blunderer, fr. *patzen* to blunder] (1595) : an inept chess player

pau-ci-ty *pa-sâ-tē* *n* [ME *paucite*, fr. L *paucitat*, *paucitas*, fr. *paucus* little — more at FEW] (15c) 1 : smallness of number : **FEWNES** 2 : smallness of quantity : **DEARTH**

Paul *'pôl* *n* [L *Paulus*, fr. Gk *Paulos*] (bef. 12c) : an early Christian apostle and missionary and author of several New Testament epistles

Paul Bunyan *'bôn-yân* *n* (1925) : a giant lumberjack of American folklore

Pau-li exclusion principle *pa-pô-lé* *n* [Wolfgang Pauli] (1926) : EXCLUSION PRINCIPLE — called also **Pauli principle**

pau-line *'pô-lîn* *adj* (1817) : of or relating to the apostle Paul, his epistles, or the doctrine or theology implicit in his epistles

Paul-ist *'pô-lîst* *n* (ca. 1883) : a member of the Roman Catholic congregation of the Missionary Priests of St. Paul the Apostle founded by J. L. Hecker in the U.S. in 1858

pau-low-nia *'pô-lô-né* *n* [NL, fr. Anna Pavlova + 1865 Russ. princess] (1843) : any of a genus (*Paulownia*) of Chinese trees of the snapdragon family; esp : one (*P. tomentosa*) widely cultivated for its panicles of fragrant violet flowers

paunch *'pôñch*, *'pâñch* *n* [ME, fr. *panche*, fr. It *polpetta* meat croquette, dim. of *polla* pulp, flesh, fr. L *pulpa*] (1889) : a thin slice of meat or fish wrapped around a forcemeat filling

pause *vôpô* *n* [ME, fr. L *pausa*, fr. Gk *pausis*, fr. *pauein* to stop] (15c) 1 : a temporary stop 2 a : a break in a verse b : a brief suspension of the voice to indicate the limits and relations of sentences and their parts 3 : temporary inaction esp. as caused by uncertainty: **HESITATION** 4 a : the sign denoting a fermata b : a mark (as a period or comma) used in writing or printing to indicate or correspond to a pause of voice 5 : a reason or cause for pausing (as to reconsider) a thought that should give one ~ 6 : a function of an electronic device that pauses a recording

pause *vb* **paused**; **paus-ing** *v* (15c) 1 : to stop temporarily 2 : to linger for a time ~ *vt* : to cause to pause; **STOP**

pavane *pa-vân*, *'vân* also **pa-van** *vâne* or *'pa-van* *n* [IMF *pavane*, fr. It dial. *pavana*, fr. Lem. of *pavano* of Padua, fr. *Pava* (Tuscan *Padova*) Padua] (1535) 1 : a stately court dance by couples that was introduced from southern Europe into England in the 16th century 2 : mu-

1) about *V*, kitten, F table *var* further *X* ash *X* ace *X* mop, mar *X* out *X* chin *X* bet *X* easy *X* go *X* hit *X* ice *X* job *X* sing *X* go *X* law *X* boy *X* thin *X* the *X* loot *X* foot *X* yet *X* vision, beige *X*, *e.*, *w.* *see* Guide to Pronunciation

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